

DETAILED ACTION

1. Applicants are thanked for the amendment and for the agreements reached in interviews.

Allowable Subject Matter

2. Claims 1-8, 12-15, 17-27, 29-34 are allowed.

3. The following is an examiner's statement of reasons for allowance:

4. Process claims 1-8, 12-15, 17-27, 29-34 were analyzed under 35 USC 101. It is recognized that, in order to be statutory, a process claim must be 1) tied to a particular machine or apparatus, or 2) it transforms a particular article into a different state or thing. *In re Bilski*, 88 USPQ2d 1385 (2008). It is also recognized that a general purpose computer may be converted into a particular computer through the operation of software on the computer. *In re Alappat*, 31 USPQ2d 1545 (1994). For the instant invention, it is clear that the process must be carried out via software operating on a computer. Independent claims 1, 26, 29 require at least a computer processor ('modeling' as in claim 1, 29; 'computerized' in preamble of claim 26). As such, the process is tied to a particular machine and meets the *Bilski* test.

5. The claims are novel and non-obvious over the art of record. The Examiner fully agrees with Applicant's analysis on pg. 10 (last par) to pg. 12 (top par). The claims are novel and non-obvious for those reasons.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh Jones whose telephone number is (571) 272-3781. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571) 272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Hugh Jones/
Primary Examiner, Art Unit 2128